BAIL SLIP

The Appellant/Accused was directed to be released on bail in and by the order of this Court dated 13.08.1998 made in Criminal Miscellaneous Petition Nos. 5741, 5742 and 5744 of 1998 in Criminal Appeals Nos, 626 to 628/98 on the file of the High Court, Madras

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 21.02.2007

CORAM:

THE HONOURABLE MR.JUSTICE A.C.ARUMUGAPERUMAL ADITYAN

Crl.A.No.626 to 628 of 1998

Mr.K.Rajendra Babu .. Appellant/Accused (in all the 3 cases)

vs.

Sate by
The Inspector of Police,
SPE/CBI/ACB
Madras. ..Respondent/Complainant(in all the 3 cases)

Prayer: These appeals have been filed under Section 374 of Criminal Procedure Code preferred against the Judgment dated 31.7.1998, in C.C.21 to 23 of 1998, respectively, on the file of the III Additional District Judge/Spl.Judge for CBI cases, Coimbatore.

For Appellant : Mr.A.Natarajan, Senior Counsel
for Mr.C.P.Palanisamy. (in all the three cases)

For Respondent : Mr.N.Chandrasekanan
Spl. Public Prosecutor for CBI Cases
(in all the three cases)

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COMMON JUDGMENT

These appeals have been preferred against the judgment in C.C.No.21 to 23 of 1998 respectively, on the file of the Court of III Additional District Judge/Spl.Judge for CBI Cases, Coimbatore.

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2. The short facts of the case of the prosecution in C.C.No.4/1996 on the file of the Additional Special Judge, Coimbatore, which was later transferred to the file of the Special Judge for CBI Cases and renumbered as C.C.No.21/1998, are as follows:-

The accused Rajendra Babu on 6.5.1993 while working as Deputy Manager (Personal) State Bank of India, Coimbatore City Brnach, at Coimbatore, fraudulently and dishonestly prepared a debit voucher for Rs.30,000/- from PPF Account No.331 of Thiru.V.R.Rubani and prepared a debit voucher for Rs.33,000/- from PPF Account NO.332 of Thiru.M.Ramasamy of Coimbatore and without any proper applications in Form NO."C" for a total sum of Rs.63,000/- and passed corresponding Banker's Cheque Credit voucher for the said total sum of Rs.63,000/- and induced the State Bank of India, Coimbatore, to deliver the sum of Rs.63,000/- from the accounts of Mr.M.Ramsamy and V.R.Rupani and during the course of the same transaction wilfully and with an intention to defraud the bank, falsified the accounts of the bank without making necessary entries of the debits fraudulently made by the accused for a total sum of Rs.63,000/- and without debiting the same in the PPF Ledgers, PPF Day Book and GAD-II(A) and GAD-v of the Bank, thereby falsified the accounts of the Bank. In the course of the same transaction the accused, who is the custodian of PPF Accounts in the State Bank of India, Coimbatore City Branch, by corrupt or illegal means or otherwise abusing his position as such public servant, obtained for himself pecuniary advantage to an extent of Rs.30,000/- from the said Bank. Hence, the accused is charged under Section 420, 477(A) IPC and under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.

3. The short facts of the case of the prosecution in C.C.No.5/1996 on the file of the Additional Special Judge, Coimbatore, which was later transferred to the file of the Special Judge for CBI Cases and renumbered as C.C.No.22/1998, are as follows:-

While working as Deputy Manager (Personal), State Bank of India, Coimbatore City Branch at Coimbatore, the accused fraudulently and dishonestly prepared a Debit voucher for Rs.33,000/- from the PPF Account NO.332 of Thiru.M.Ramasamy of Sundakamuthur, and also prepared a debit voucher for Rs.30,000/- from the PPF Account No.331 of V.R.Rupani of Tiruppur, without any proper application in Form No."C" and passed corresponding Banker's cheque credit voucher for Rs.63,000/- and induced the State Bank of India, Coimbatore, to deliver the sum of Rs.63,000/- the amount kept in the Bank in the Accounts of Tvl.M.Ramasamy and V.R.Rupani to accused himself. In the course of the same transaction the accused willfully and with an intention to defraud the Bank, falsified the accounts of the Bank without making necessary entries

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of the debits fraudulently made by the accused for a total sum of Rs.63,000/- without debiting the same in the PPF ledgers, PPF Day Book, GAD-II(A) and GAD-V of the Bank, thereby falsified the accounts of the Bank, and also by corrupt or illegal means abusing his position as a Deputy Manager (Personnel) obtained pecuniary advantage to the extent of Rs.33,000/- from the said Bank. For the above said offences, the petitioner was charged under Section 420, 477(A) IPC and under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988.

4. The short facts of the case of the prosecution in C.C.No.6/1996 on the file of the Additional Special Judge, Coimbatore, which was later transferred to the file of the Special Judge for CBI Cases numbered as C.C.No.23/1998, are as follows:-

While working as Deputy Manager (Personnel), State Bank of India, Coimbatore City Branch, Coimbatore, the accused fraudulently and dishonestly prepared a debit voucher for Rs.33,000/- from the PPF Acount NO.1/74 of Tmt.Godavari Bai of R.S.Puram, without any proper application in Form No."C" for a sum of Rs.33,000/- and passed corresponding Banker's cheque credit voucher for the said sum of Rs.33,000/- and induced the State Bank of India, Coimbatore, to deliver the sum of Rs.33,000/- the amount kept in the Bank in the Account of Tmt.Godavari Bai to the accused himself. During the same transaction wilfully and with an intention to defraud the Bank, falsified the accounts of the Bank without making necessary entries of the debits fraudulently made by the accused for a total sum of Rs.33,000/- without debiting the same in the PPF ledgers, PPF Day Book, CAD-II(A) and CAD-V of the Bank thereby falsified the accounts. In the course of the same transaction, being the Deputy Manager (Personnel) custodian of PPF account in the State Bank of India, Coimbatore City Branch, Coimbatore, the accused by corrupt or illegal means or otherwise abusing his position as such public servant obtained pecuniary advantage to an extent of Rs.33,000/- from the said Bank. The accused has been charged under Section 420, 477(A) IPC and under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988.

5. The case was taken on file by the Chief Judicial Magistrate/First Additional Special Judge for CBI Cases, Coimbatore, and on appearance of the accused copies under Section 207 Cr.P.C were furnished to the accused and charges under Section 420, 477(A) IPC and under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988, were framed and when questioned the accused pleaded not guilty. On the side of the prosecution P.W.1 to P.W.16 were examined and Ex.P.1 to P.20 were marked. No material evidence exhibited before the trial Court. The learned trial Judge has conducted a joint trial for C.C.No.21 to 23/1998 since the accused is one and the same person in all the three cases and the prosecution has also been conducted by CBI, Anti Corruption

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Bureau, Chennai.

6. P.W.1 is the then Branch Manager of State Bank of India during June 1990 and June 1993 and at that time the accused Rajendra Babu was working under P.W.1 as an accountant in the State Bank of India, Coimbatore Branch, and that he (P.W.1) was looking after the savings account branch fixed deposit current account and PPF funds account and that the accused who was working under him was personally dealing with the about said accounts. He has also deposed in detail about the savings bank account maintained in the State Bank of India, Coimbatore Branch and that if an application is not made under C-Form along with the pass book, the required amount will not be given. If the amount asked for can be sanctioned then a debit voucher is to be prepared with necessary entries in the ledger. Only if the cashier is satisfied after seeing the formality ledger, debit voucher, he will pass necessary orders for payment of the above said amount and thereafter only the said amount will be debited in the ledger. Thereafter, the amount will be paid to the person from his current account or through draft or saving bank account or through by order to other bank and for the said amount credit voucher will also be prepared. Credit voucher will be prepared by the clerk and will be signed by the superintendent and if the person has asked for pay order, the credit slip will be sent to the accounts section in the State Bank of India, Coimbatore, from where pay order will be prepared and sent to the Superintendent who will handover the pay order to the person concerned. If a person withdraws any amount from his public provident fund account the pay order will be given in his name only. If the person request that the pay order may be given in another person's name that will not be heeded to. He also narrated how the inflow of the public provident fund amount will be entered into the accounts book and also speaks about the public provident fund accounts forwarded from the State Bank of India, Ganapathi Nagar Branch to his branch and that every month the State Bank of India at Ganapathi Nagar branch will also sent a detail accounts in respect of the amount received from his branch. Ex.P.1 is the day book. Ex.P.2 and P.3 are the GAT-2 legers. Ex.P.4 is the ledger containing the particulars regarding the person who have checked the day book. He would depose that Ex.P.4 was also maintained by the accused. Ex.P.5 is the progressive balance register. Ex.P.6 is the register maintained once in three months regarding the public provident fund. He has further admitted that Ex.P.7 to P.9 debit ledgers dated 6.5.1993 and 26.5.1993 contains the accused's signature and also the credit vouchers Ex.P.10 & P.11 contain the accused's signature.

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7. P.W.2 is a retired Deputy Administrative Director of State Bank of India. He has retired on 31.7.1996. He was working as a Chief General Manager of State Bank of India during the period 11.3.1993 to 31.12.1995. The accused was working as a cashier in State Bank of India. He is the person competent to appoint him or dismiss him from service and that Ex.P.12 is the sanction order dated 27.10.1994 for prosecution of the accused passed by him. Before passing Ex.P.12-order he would say that he had perused the entire documents and debits entries.

8. P.W.3 is the Deputy General Manager of State Bank of India Corporate Branch at Madras. She has worked as the Chief Manager of State Bank of India, Coimbatore City Branch, from June 1991 to September 1991. The accused was working as cashier in the State Bank of India, Coimbatore, Personal Bank Division, during August 1991 to June 1993. According to him he knows the accused in connection with the office work. Public Provident Fund Accounts are connected with personal bank division and that if a person wants to withdraw any amount from his public provident fund amount he has to fill up 'C'-form and present the same into Bank. 'C' form was checked by the Counter Clerk and after referring to the ledger enteries, 'C' form particulars will be prepared by the said clerk and after his verification regarding the sanction debit vouchers will be prepared by the said clerk. Thereafter the person who has prepared the debit voucher will withdraw the amount from PPF amount by way of cheque or cash, as per the instructions of the account ledger. She also speaks in detail how the Savings Bank Account is being maintained and how the debit voucher and cheques were prepared and how the cheque were sent to account section and after the receipt of the cheque by the person who is maintaining the account in their bank and that the debit cheque was issued to the person only when the accused was working as a cashier and at the relevant point of time there were employees to prepare debit voucher, credit voucher, and every day transaction will be reflected in the day book and in the file of the Government Account Department. In GAT-2 register the details regarding pension, income tax PPF will be noted and that every day the debit and credit particulars will be informed to State Bank of India at Ganapathi Nagar Branch and every month reconciliation statement details were informed to the State Bank of India, Ganapathy Nagar Branch, and every month from Ganapathy Nagar Branch reconciliation statements will be forwared from Ganapathy Nagar Branch and that reconciliation statement will be compared with the entries in the register maintained by him and that the accused had maintained the PPF accounts and that the accused alone was preparing Ex.P.8 and Ex.P.9 debit voucher and credit voucher and Ex.P.7-debit voucher was also prepared by the accused and that the accused had passed

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the orders for passing Ex.P.7 and Ex.P.11 credit voucher was also prepared by the accused. Ex.P.11 was prepared by the accused and an order for passing the same was also passed by the accused and that Account No.1331 belongs to Rupani. Ex.P.13 is the pass book issued by her bank. Ex.P.15 is the pass book issued in the name of Ramasamy for the PPF Account No.332 by his bank. According to P.W.3, the accused has prepared Ex.P11-cheque in the name of his wife Vijaya Bai. Ex.P.16 is the said cheque. The said cheque was sent to her bank for clearance through Bank of Baroda. In the credit voucher Ex.P.11, the particulars of the cheque has been furnished. Ex.P.10 credit voucher dated 16.5.1993 for Rs.63,000/- was issued by the accused in the name of Karuppannan. Ex.P.7 & P.8 were prepared by the accused. PPF Account Nos.331 & 332 stood in the name of Rupani and Ramasamy. She would further deposed that a cheque cannot be issued in favour third person who has no account on his name in the Bank. The accused had prepared Ex.P.17-cheque No.297605 dated 6.5.1993 for Rs.63,000/-. The said cheque was sent to State Bank of India Coimbatore through Karur Visya Bank for clearance. Ex.P.1 is the day book. In Ex.P.1 current as well as the particulars of savings deposit vouchers were written by a clerk. But the entry was not made by the accused. Only during Quarterly check, it was brought to the light in July 1993 that Ex.P.7 & P.8 were not brought to account by the accused nearly for three months. Ex.P.5 is the balance sheet for one day in respect of the incoming and out going amount. In Ex.P.5 the fact of withdrawal of Rs.63,000/- from PPF account NO.331 & 332 was not mentioned and the fact of withdrawal of the amount was also not mentioned in Ex.P.9. Hence, a complaint has been preferred to the Regional Head Office on 2.8.1993. The relevant entry has been made in Ex.P.5. As per Ex.P.2 on 26.5.1993 a sum of Rs.31,193/- was given credit to in their PPF account. On the same date a sum of Rs.3,92,132/- has been given credit to in savings account. As per Ex.P.2 dated 26.5.1993 a sum of Rs.3,92,132/- was paid. The entries in Ex.P.2 dated 26.5.1993 were made by the accused. Ex.P.18 is the said entry. Ex.P.18 is the initial of the accused in Ex.P.2. Ex.P.6 is the balance sheet allotment order. On 30.07.1993 a letter was forwarded to Deputy General Manager by the accused. The said letter contains the signature of the accused. Ex.P.19 is the statement of the accused. At the relevant point of time the accused had worked in the State Bank of India as a cashier in Kurinchi Branch. Ex.P.19 is the letter written by Natarajan to P.W.3 and that Ex.P.19 was forwarded to the State Bank of India Regional Office.

9. P.W.4 is the Regional Officer of Bank of Baroda, Ernakulam Branch. He was working as Deputy Manager from June 1991 to December 1993 in Kovai Opanakara Street Branch, Bank of Baroda. P.W.4 has deposed that Vijaya Bai came to the branch of their bank in the year 1992 and her husband is Rajendara Babu and a SBI Account in the name of both of them was opened in SBI A/c.No.8342. Ex.P.16 is

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the cheque tendered by the said Vijaya Bai. A sum of Rs.33,000/- was sent by cashier to the State Bank of India, Coimbatore, and that the said cheque is containing their banker's rubber stamps.

10. P.W.5-Karuppannan in his evidence has deposed that he is residing at Duraiyoor and he is having engineering diploma and he is working as a civil engineering contractor and that he knows the accused and during 1987 while the accused was working as a field officer in the State Bank of India, Duraiyoor Branch. He came to know about the accused, while the accused was working in the State Bank of India, Duraiyoor Branch, as a field officer in 1987 and that his wife Govindamal had applied for loan under self-employment scheme for the purpose of a type writer and that at the request of the accused he had constructed a house to the value of Rs.6,68,000/- in the year 1993. At that time, the accused was working in the State Bank of India, Coimbatore Branch, and on one occasion the accused handed over a cheque dated 6.5.1993 for a sum of Rs.63,000/- which is Ex.P.17 and he made a request to the accused to encash the cheque. But the accused has requested him to open a savings bank acount in any of the bank and to put the cheques into the saving bank account. So he opened a savings bank account in Karur Visya Bank and his saving bank Account Number is 9699 and that he has encashed Ex.P.17-cheque dated 8.5.1993 for a sum of Rs.63,000/-.

11. P.W.6 is the General Manager of Karur Visya Bank Central Office. He has deposed that Karuppannan P.W.5 has opened a SB Account No.9699 in his bank and that on 8.5.1993 he deposited the cheque Ex.P.17 for encashment and that the said cheque was forwarded to State Bank of India, Coimbatore City Branch. There is an endorsement for clearing of the cheque in Ex.P.17, and the cheque amount is Rs.63,000/- which was deposited in the SB Account of Karuppannan.

12. P.W.7-Navakodinarayanan is the Deputy Manager of the State Bank of India, Salem Branch, and that he was an Assistant Manager in the State Bank of India, Coimbatore City Branch, during 1992 - 1994 and that the accused was working as a Deputy Manager in the same branch in the same bank and that the accused joined in the said branch as an accountant during 1992 and that he used to sign in the cheque to the value of Rs.25,000/- Ex.P.16 cheque which was prepared on the basis of Ex.P.11-credit slip and that in Ex.P.16 he has signed as an authorised signatory and that he has signed in Ex.P.11 in order to show that he(P.W.7) has checked Ex.P.16. In the said entry the serial number of the cheque has also been entered into and that Ex.P.10 was prepared by him on the basis of credit slip and that he had checked the same and signed and that Ex.P.10 contains the cheque Number and that Ex.P.16 & P.17 were prepared by the clerk of the State Bank of India.

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13. P.W.8-Amigapathy is working as clerk-cum-cashier in the State Bank of India, Coimbatore City Branch. During 1993 he has worked as clerk in draft, payment, issue section. P.W.7 is his higher official during the relevant point of time. Ex.P.16 and P.17 are prepared by her and that they were prepared on the basis of Ex.P.11 and P.10 and the said cheques were forwarded to PP Section through his section and that he has noted in Ex.P.10 and P.11 the cheque number of Ex.P.16 & P.17 and that both Ex.P.16 & P.17 cheques were checked and forwarded by P.W.7.

14. P.W.9-S.Subramaniam, the head clerk of the State Bank of India in Tamil Nadu Agricultural University Complex Branch, Coimbatore, from June 1984 to May 1995 and that he was working as a computer operator-cum-clerk in the State Bank of India, City Branch, from June 1984 to May 1995 and that he knows the accused, who at that time was working in PP Division Accountant and that he knows the first accused from 1973 and he knows his signature also and that all the credit and debit vouchers were sent to him for recording the same in the computer and that he used to put the serial number after recording the same in the computer. He has assigned No.18/4 for Ex.P.7 and 18/3 for Ex.P.8 and 72/6 for Ex.P.9 and 18/5 for Ex.P.10 and 72/7 for Ex.P.11 and 170/68 for Ex.P.16 and 35/22 for Ex.P.17 and the said numbers were written by him with his sketch pen. Ex.P.7 to P.11 debit and credit vouchers were prepared by the accused.

15. P.W.10 is the clerk in the State Bank of India, Coimbatore Branch. During May 1993 he was working in the PPF Branch in the State Bank of India, Coimbatore City Branch, and that he used to prepare the credit voucher and debit voucher for PP account and the accused was working in the same bank as his immediate superior officer and that he knows the accused and his signature. Ex.P.7 to P.11 debit as well as credit vouchers were concocted by the accused and forged by the accused and he has to prepare the debit and credit vouchers but the accused without the knowledge of him (P.W.10) created the said vouchers. The entries in Ex.P.7 to P.11 and the entries in Ex.P.1 dated 6.5.1993 and 26.5.1993 were not made by him and that since he has not received the relevant notes for the said documents he has not entered the same in the relevant registers. Ex.P.19 is the letter written by the accused and signed by him and that he came to know during July 1993 that the said account is not correct.

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16. P.W.11- Nadarajan was working as a Manager in the State Bank of India at Coimbatore SIDCO Branch from April 1993 to 1996 and that the accused was working as a Deputy Manager of his Bank. On 30.7.1993 the accused handedover a letter addressed to the Deputy General Manager of the State Bank of India Regional Office, Coimbatore. Ex.P.19 is the said letter and as per his instructions he delivered the said letter to the addressee.

17. P.W.12 was the Deputy General Manager of Indian Bank, Ramnager Branch, Coimbatore, from 1992 to 1995. He has deposed that he had opened a PPF Account No.332 during November 1997 and that every year he used to deposit the amount in the month of March required by income tax amount. Ex.P.15 is the PPF form given to him and that as on 17.4.1993, he has withdrawn Rs.3,500/- from his PPF account and after deducting the said amount, Rs.17,995/- was in his credit in the said account, and that thereafter he has not deposited any amount in the year 1993 and that he was examined by CBI in connection with Ex.P.15.

18. P.W.13 is the Manager in Kaytee Corporation Ltd., Tiruppur. He was having PPF account in the State Bank of India, City Branch, Coimbatore, and his account number is 331. He used to remit the amounts in the above said account for the purpose of income tax savings, through his agent Mr.Raman by way of cheque or cash. Ex.P.13 is his pass book. As on 1.3.1994 the balance in his account was Rs.3,41,256.42p. There was no debit entry in his pass book. He has not withdrawn any amount. He has deposited Rs.25,000/- by way of cheque. Apart from that there was no transaction in the year 1993 in his account.

19. P.w.14 is a resident of Door No.10, Ponnurangam Road East, R.S.Puram, Coimbatore. Smt.Godhavari Bai is his mother. She is proprietrix, running a Finance Business under the name and style of M/s.Moolchand Manojkumar, at 408, Raja St., Coimbatore. His elder brother's name is Mr.Syamlal. His mother had account in State Bank of India, Coimbatore City Branch and her PPF account number is 1/74. The account of his mother was opened in the month of November, 1980. He used to make remittence on behalf of his mother. Ex.P.14 is the pass book belongs to his mother. As on 28.2.1994 the balance of amount to the credit of his mother's account was Rs.5,14,014/-. No withdrawal has been made either by his mother or by him. There is no debit entry in Ex.P.14. In the year 1993 the bank has made entry in the pass book in respect of accrual of interest alone. Except that, there is no remittence by him. Ex.P.14-pass book was handed over to CBI Police by him.

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20. P.W.15 is the Inspector of Police CBI at Hydrabad and during the relevant period he was the Inspector of Police CBI ACB Madras. On the basis of the information collected by the branch and as per the orders of the Superintendent of Police, CBI ACB Madras, he has registered a case in R.C.48(A)/93 against the accused present in the Court u/s.409, 477(A) IPC and under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. Ex.P.20 is the Original FIR. After registering the case he had investigated the case. He had visited Coimbatore and conducted investigation and had examined many witnesses and recorded their statements on various dates. He has also collected relevant records from the State Bank of India, Coimbatore City Branch. On 30.6.1994 he was relieved on transfer to Hyderabad and by that time he had completed the investigation and sent the case file to his higher authorities.

21. P.W.16 is the Inspector of Central Excise, Coimbatore. During 1994 to 1997 he was on deputation at Madras, as CBI Inspector ACB. On 30.6.1994, Mr.S.Vaidyanathan, Superintendent of Police CBI, had directed him to take up the case, since Mr.Vaidyanathan had already sent the records for obtaining sanction order and the same was received by him during 1st week of November 1994. After receipt of the sanction order on 22.12.1995, he laid the charge sheet against the accused under Section 420, 477(A) IPC and under section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.

22. When incriminating circumstances were put to the accused, the accused denied his complicity with the crime. He has not examined any witnesses and nor let in any documentary evidence on his side. After going through the oral and documentary evidence let in by the prosecution, the learned trial Judge has found the accused guilty under all the above 9 charges in the above three cases and convicted and sentenced the accused to undergo three years RI under Section 420, 477(A) and under Section 13(2) r/w 13 (1)(d) of Prevention of Corruption Act, in all the above three cases besides imposing fine of Rs.5,00/- under each provision of law with default sentence. Aggrieved by the findings of the learned trial Judge, the accused has preferred this appeal.

23. Now the point for determination in this appeal is whether the conviction and sentence in C.C.No.21 to 23 of 1998 on the file of the Special Judge for CBI Cases, Coimbatore, is liable to be interfered with for the reasons stated in the memorandum of appeal?

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24.The Point:-

24(a) When the matter is taken up for hearing the learned senior counsel Mr.A.Natarajan, appearing on behalf of the appellant represented that he is not going to argue on the aspect of conviction but only for modification of sentence. The learned senior counsel would contend that the accused was an Ex-Officer of State Bank of India and the amount cheated by him was deposited by him as per the evidence of P.W.3, Deputy General Manager of the State Bank of India. The learned senior counsel would draw the attention of this Court to the evidence of P.W.3 in the cross-examination to the effect that as per his letter dated 30.7.1993 the accused had deposited Rs.96,000/- on various dates in the Bank. There was no departmental enquiry conducted and no complaint was also preferred against the accused on the basis of suspicion. So in lieu of the above evidence of P.W.3 to the effect that the entire amount said to have been cheated by the accused was deposited by the accused and considering the plight of the accused who had suffered the order of Court proceedings for more that nine years this Court is of the view that the sentence is to be modified.

24(b) Heard the learned Special Public Prosecutor on this point who has also no serious objection in awarding minimum punishment to the accused taking into consideration the ordeal of the accused and considering the pendancy of this appeal for the past 9 years. So, I am of the view that while confirming the conviction against the accused only the sentence can by modified by awarding minimum punishment. Point is answered accordingly.

25. In fine, C.A.No.626 to 628 of 1998 are dismissed with the following modification regarding the question of sentence alone. In C.C.No.21/1998 on the file of the Special Judge for CBI Cases, Coimabtore, the accused is convicted and sentenced under Section 420 IPC to undergo one year RI instead of 3 years and also under Section 477(A) IPC one year RI instead of 3 years and under Section 13(2) r/w 13(1)(d) of PC Act, 1988, to undergo one year RI instead of 3 years. In C.C.No.22/1998 on the file of the Special Judge for CBI Cases, Coimabtore, the accused is convicted and sentenced under Section 420 IPC to undergo one year RI instead of 3 years and also under Section 477(A) IPC one year RI instead of 3 years and under Section 13(2) r/w 13(1)(d) of PC Act, 1988, to undergo one year RI instead of 3 years. In C.C.No.23/1998 on the file of the Special Judge for CBI Cases, Coimabtore, the accused is convicted and sentenced under Section 420 IPC to undergo one year RI instead of 3 years and also under Section 477(A) IPC one year RI instead of 3 years and under Section 13(2) r/w 13(1)(d) of PC Act, 1988, to undergo one year RI instead of 3 years. As far as the imposing of fine is concerned the trial Court's judgment is confirmed in all

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the three cases. The trial Court is directed to secure the accused and send to prison to undergo the unexpended portion of the sentence. The sentence to run concurrently in all the three cases.
Ssv

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To,
1.The IIIrd Additional District Judge/
Special Judge for CBI Cases,
Coimabtore

2. - do - Thro the District Judge, Coimbatore

3.The Inspector of Police,
SPE/CBI/ACB, Madras.

4. The Public Prosecutor High court, Madras

+3ccs to M/s. C.P. Palaniswamy, Advocate sr no. 10281, 10282, 10283

ms(co)
nm(06.03.07)

Crl.As.626 to 628 of 1998

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